

AMENDED IN SENATE MAY 4, 2009  
AMENDED IN SENATE APRIL 13, 2009

**SENATE BILL**

**No. 811**

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**Introduced by Senator DeSaulnier**

February 27, 2009

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An act to amend ~~Sections 4304 and 4750.1~~ *Section 4304* of, and to add Section 4750.2 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 811, as amended, DeSaulnier. Vehicles: specially constructed vehicles.

Existing law, upon application for registration of a vehicle previously registered outside this state, requires the Department of Motor Vehicles to grant full faith and credit to the currently valid certificate of title describing the vehicle, the ownership thereof, and the liens thereon, issued by the state in which the vehicle was last registered. Existing law also requires the department to require, upon registration of a motor vehicle previously registered outside this state, a valid certificate of compliance, or a certificate of noncompliance, with California's emission regulations. Existing law additionally requires specially constructed vehicles, depending on various criteria, to be subject to different emission inspection and control requirements based on the engine model-year, the vehicle model-year, or the calendar year in which the application for vehicle registration is submitted.

This bill would require a specially constructed vehicle, that was previously registered outside this state, to be assigned ~~a the same model-year based on various criteria as the calendar year in which the vehicle was first registered outside this state~~ for purposes of determining emission inspection requirements for the vehicle, *except as specified*.

*If the department is unable to establish the year the vehicle was originally registered, the bill would require the department to assign the same model-year as the calendar year in which the application for registration was submitted.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4304 of the Vehicle Code is amended to  
2 read:

3 4304. Unless otherwise provided in Section 4750.2, upon  
4 application for registration of a vehicle previously registered  
5 outside this State, the department shall grant full faith and credit  
6 to the currently valid certificate of title describing the vehicle, the  
7 ownership thereof, and any liens thereon, issued by the state in  
8 which the vehicle was last registered, except that the laws of the  
9 state shall provide for the notation upon the certificate of title of  
10 any and all liens and encumbrances other than those dependent  
11 upon possession.

12 ~~SEC. 2. Section 4750.1 of the Vehicle Code is amended to~~  
13 ~~read:~~

14 ~~4750.1. (a) If the department receives an application for~~  
15 ~~registration of a specially constructed passenger vehicle or pickup~~  
16 ~~truck after it has registered 500 specially constructed vehicles~~  
17 ~~during that calendar year pursuant to Section 44017.4 of the Health~~  
18 ~~and Safety Code, and the vehicle has not been previously~~  
19 ~~registered, the vehicle shall be assigned the same model-year as~~  
20 ~~the calendar year in which the application is submitted, for~~  
21 ~~purposes of determining emissions inspection requirements for~~  
22 ~~the vehicle.~~

23 ~~(b) If the department receives an application for registration of~~  
24 ~~a specially constructed passenger vehicle or pickup truck after it~~  
25 ~~has registered 500 specially constructed vehicles during the~~  
26 ~~calendar year pursuant to Section 44017.4 of the Health and Safety~~  
27 ~~Code, and the vehicle was previously registered outside this state,~~  
28 ~~the vehicle shall be assigned the same model-year as the calendar~~  
29 ~~year in which it was first registered outside this state, for purposes~~  
30 ~~of determining emissions inspection requirements for the vehicle.~~

~~(e) If the department receives an application for registration of a specially constructed passenger vehicle or pickup truck that has been previously registered after it has registered 500 specially constructed vehicles during that calendar year pursuant to Section 44017.4 of the Health and Safety Code, and the application requests a model-year determination different from the model-year assigned in the previous registration, the application for registration shall be denied and the vehicle owner is subject to the emission control and inspection requirements applicable to the model-year assigned in the previous registration. For a vehicle that participated in the amnesty program pursuant to Section 9565, the model-year of the previous registration shall be the calendar year of the year in which the vehicle owner applied for amnesty. However, a denial of an application for registration issued pursuant to this subdivision does not preclude the vehicle owner from applying for a different model-year determination and application for registration under Section 44017.4 of the Health and Safety Code in a subsequent calendar year.~~

~~SEC. 3.~~

*SEC. 2.* Section 4750.2 is added to the Vehicle Code, to read:

4750.2. (a) If the application for registration of a vehicle previously registered outside this state is for a specially constructed vehicle, as defined in Section 580, the vehicle shall be assigned a model-year in accordance with the procedures established by ~~Section 44017.4 of the Health and Safety Code and Section 4750.1 of this code for purposes of determining emission inspection requirements for the vehicle.~~ *the same model-year as the calendar year in which the vehicle was first registered outside this state for purposes of determining emission inspection requirements for the vehicle.*

(b) *This section does not preclude a vehicle owner from applying for a different model-year determination and application for registration under Section 44017.4 of the Health and Safety Code. If an application for a different model-year determination and registration is made after the department has registered 500 specially constructed vehicles pursuant to Section 44017.4, the application shall be denied and the vehicle shall be subject to the emission control and inspection requirements applicable to the same model-year as the calendar year in which the vehicle was originally registered outside this state pursuant to this section. A*

1 *denial of an application issued pursuant to this subdivision does*  
2 *not preclude the vehicle owner from applying for a different*  
3 *model-year determination under Section 44017.4 of the Health*  
4 *and Safety Code in a subsequent calendar year.*

5 *(c) If the department is unable to establish the year in which*  
6 *the vehicle was originally registered, it shall assign the same*  
7 *model-year as the calendar year in which the application for*  
8 *registration was submitted. The department may establish by*  
9 *regulation the procedures for determining the original year of*  
10 *registration.*